

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In repatent application of:

Jeffrey Mark Zucker et al.

§ § Group Art Unit: 2785

Serial No.:

09/100,671

§ § Examiner: N/A

Filed:

June 19, 1998

§ 8

For:

THIRD PARTY PRIVACY SYSTEM

Assistant Commissioner for Patents Washington, D.C. 20231

PETITION FOR FILING UNDER 37 C.F.R. §1.47(a)

Dear Sir:

Applicants, Douglas L. Peckover and Ralph Spencer Poore ("Applicants"), by their attorney of record, hereby petition the Commissioner to accept the filing of the above-identified U.S. Patent Application by them, as the parties to which the invention disclosed and claimed in said patent application rightfully belongs, and an behalf of Jeffrey Mark Zucker.

The name and last known address of the inventor refusing to join in this application is as follows:

Jeffrey Mark Zucker 6036 Thursby Dallas, Texas 75248

Applicants believe to be entitled to make such application on behalf of Jeffrey Mark Zucker pursuant to 37 C.F.R. §1.47(a).

Statements of Facts and Affidavits attached hereto support by first hand knowledge the facts surrounding the refusal of the inventor to sign, including the time, place and circumstances surrounding the refusal.

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Based upon the foregoing, Applicants are entitled to clear title to the invention and to the above-identified patent application and to any patent that issues thereon.

The fee required under 37 C.F.R. §1.17(h) is enclosed. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 08-1394 associated with this communication.

Respectfully submitted,

Ruben C. DeLeon

Registration No. 37,812

HAYNES AND BOONE, L.L.P. 901 Main Street, Suite 3100 Dallas, Texas 75202-3789

Telephone: 214/651-5544 Facsimile: 214/651-5940

File: 26704.7 D-657215.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231

06:15:99 TUE 15:53 FAX 214 651 5940

HAYNES AND BOONE

2002



PATENT Attorney Docket No. 26704.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In repatent application of: Jeffrey Mark Zucker et al.

Group Art Unit: 2785

Serial No.: 09/100,671

Examiner: N/A

Filed: June 19, 1998

For: THIRD PARTY PRIVACY SYSTEM

Assistant Commissioner for Patents Washington, D.C. 20231

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR (37 CFR 1.47) AND AFFIDAVIT OF DOUGLAS L. PECKOVER

I, Douglas L. Peckover, Chairman and CEO of At Your Command, heing duly sworn and having personal knowledge of the facts set forth herein, hereby deposes and says that:

Zucker the importance of signing the declaration of the patent application on "Third Party Privacy System" and have periodically asked Mr. Zucker again to sign the declaration, personally or through my attorneys, but he has failed to do so. His failing to sign the declaration undoubtly means to me that he is refusing to sign the declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both

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06/15/99 TUE 15:53 FAX 214 651 5940

HAYNES AND BOONE

under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LOCATION

DATE

SIGNATURE

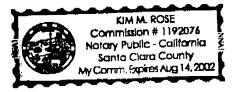
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6-15-99

Douglas L. Peckover

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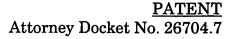
On this \(\) \(\) \(\) day of \(\) \(



Signature of Notary

HAYNES AND BOONE, L.L.P. 901 Main Street, Suite 3100 Dallas, Texas 75202-9789 Telephone: 214/651-5544 Facsimile: 214/651-5940

Filo: 26704.7 d-657552.1





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	§		
Jeffrey Mark Zucker et al.	§	Group Art Unit: 27	85
	§	-	
Serial No.: 09/100,671	§	Examiner: N/A	
	§		
Filed: June 19, 1998	§		
	§		
For: THIRD PARTY PRIVACY SYSTEM	§		

Assistant Commissioner for Patents Washington, D.C. 20231

OF NON-SIGNING INVENTOR (37 CFR 1.47) AND AFFIDAVIT OF DAVID L. MCCOMBS

I, David L. McCombs, being duly sworn and having personal knowledge of the facts set forth herein, hereby deposes and says that:

On or about the week of May 24, 1999, I made several telephone calls to Mr. Jeffrey M. Zucker and obtained his voicemail recording. I left messages for him to return my call as soon as possible, indicating that we needed his review of the subject patent application and his signature on the declaration for the application. Mr. Zucker has not returned my calls.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE

SIGNATURE

DALVAS, TEMS

6.15-99

David L. McCombs

State of Texas

County of Dallas) ss.:

On this day of day, 1999, before me personally came the above-named to me personally known, and known to me to be the person described in and who executed the foregoing affidavit, and acknowledged to me that the execution of the same was a free act and deed.



Signature of Notary

HAYNES AND BOONE, L.L.P.

901 Main Street, Suite 3100 Dallas, Texas 75202-3789

Telephone: 214/651-5544 Facsimile: 214/651-5940

File: 26704.7 d-657555.1



Attorney Docket No. 26704.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In repatent application of:

Jeffrey Mark Zucker et al.

§ § § §

09/100,671 Serial No.:

Examiner: N/A

Group Art Unit: 2785

June 19, 1998 Filed:

§

For: THIRD PARTY PRIVACY SYSTEM

Assistant Commissioner for Patents Washington, D.C. 20231

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF **OF NON-SIGNING INVENTOR (37 CFR 1.47)** AND AFFIDAVIT OF WILSON CHU

I, Wilson Chu, being duly sworn and having personal knowledge of the facts set forth herein, hereby deposes and says that:

I last spoke with Jeffrey Mark Zucker on June 11, 1999, and informed him of the necessity of his signature on the Declaration and Power of Attorney. Despite offering him an opportunity to review the application at his convenience, he still refused to sign.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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DATE

SIGNATURE

Dallas, TX

15 JUNE 1999

Wilson Chu

State of Texas

County of Dallas) ss.:



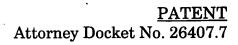
Signature of Notary

HAYNES AND BOONE, L.L.P.

901 Main Street, Suite 3100 Dallas, Texas 75202-3789 Telephone: 214/651-5088

Facsimile: 214/651-5940

File: 26704.7 d-657530.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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§	Group Art Unit:	2785
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Assistant Commissioner for Patents Washington, D.C. 20231

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR (37 CFR 1.47) AND AFFIDAVIT OF APRIL REASONER

I, April Reasoner, being duly sworn and having personal knowledge of the facts set forth herein, hereby deposes and says that:

On June 7, 1999, I sent a letter to Mr. Jeffrey M. Zucker enclosing the Declaration and Power of Attorney for his signature. I also stated that if we did not received the executed declaration by Friday, June 11, 1999, then we would treat his non-answer as a refusal to sign the Declaration. This letter was sent by express mail return receipt requested. A copy of the letter and proof of receipt is attached as Exhibit A.

On June 11, 1999, I sent a second letter to Mr. Zucker confirming his agreement to meet with Ruben DeLeon to discuss the patent application. This letter was sent by facsimile, email, and express mail return receipt requested. A copy of the letter and proof of receipt is attached as Exhibit B.

On June 14, 1999, I sent an email to Mr. Zucker and I spoke with Mr. Zucker about setting up a meeting with Ruben DeLeon outside of the office to review the patent application. He informed me that he was too busy and did not have time to meet with him. A copy of the email is attached as Exhibit C.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

LOCATION	DATE	SIGNATURE
Callas, TX	June 15,1999	April Reasoner
State of Texas) County of Dallas) ss.:		,

On this day of day of , 1999, before me personally came the above-named to me personally known, and known to me to be the person described in and who executed the foregoing affidavit, and acknowledged to me that the execution of the same was a free act and deed.



Signature of Notary

HAYNES AND BOONE, L.L.P. 901 Main Street, Suite 3100 Dallas, Texas 75202-3789 Telephone: 214/651-5433

Facsimile: 214/651-5940

File: 26704.7 d-657541.1

Exhibit A

EM444687195US

HAYNES AND B ONE, LLF

June 7, 1999

Via Express Mail Return Receipt Requested

Mr. Jeffrey Zucker 6036 Thursby Dallas, TX 75248

Re:

U.S. Patent Application

Serial No.: 09/100,671 Filed: June 19, 1998 Entitled: THIRD PARTY PRIVACY SYSTEM

Our ref.: 26704.7

Dear Mr. Zucker:

As you know, the above-identified patent application became abandoned for failure to timely file the executed Declaration and we have prepared the required document to revive the application. Enclosed is a Declaration which must be executed and returned to me for filing.

We are also sending this document to Doug Peckover for his execution and Ralph Poore's execution. As soon as we receive the executed Declaration, we will be able to file our Petition to Revive. However, if we don't receive your document by Friday, June 11, we will treat your non-answer as a refusal to sign the Declaration.

If you have any questions, please let us know.

Very truly yours,

Ruben C. DeLeon

Direct Phone Number: 214/651-5544 Direct Fax Number: 214/200-0754

deleonr@hayboo.com

RCD/ar Enclosures D-654987.1

cc:

David L. McCombs

Wilson Chu

Attorneys

Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mallplace, or on the back if space: Oses not permit. Write Return Receipt Requested on the mailplace below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. Article Addressed to: Jeffrey Zucker. G036*Thursby and Dallas, TX 7/5202 Express Mail Paturn Receipt for Merchandise. 7. Date of Delivery 5. t Signature (Addressee) 8. Addressee's Address (Only if requested and fee is paid)	SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4e & b.	1 also wish to receive the following services (for an extra
Attach this form to the front of the mailpiece, or on the back if space? Attach this form to the front of the mailpiece, or on the back if space? Write Return Receipt Requested! on the mailpiece below the article number 2.		
does not permit. Write / Return Receipt Requested on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. The Return Receipt will show to whom the article was delivered and the date delivered. Consult postmaster for fee. 4a. Article Number **EM444687195US **Abd44687195US **Datlas, TX 775202 **Datlas, TX 775202 **Express Mail **P Return Receipt for Merchandise 7. Date of Delivery 7. Date of Delivery 8 Addressee's Address (Only if requested and fee is paid)		Addressee's Address
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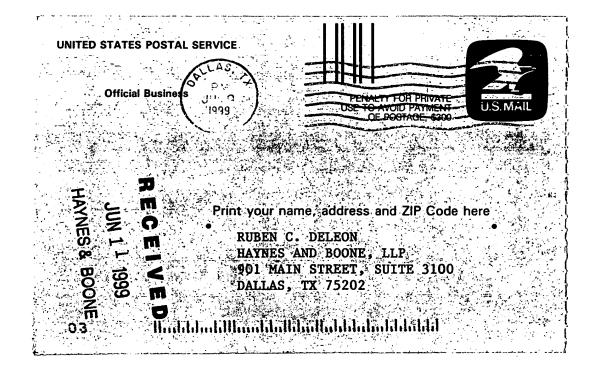


Exhibit B

June 11, 1999

Via Facsimile and Express Mail Return Receipt Requested

Jeffrey M. Zucker 6036 Thursby Dallas, TX 75248

Re:

Patent Application entitled: "Third Party Privacy System"

26704.7

Dear Mr. Jeffrey M. Zucker:

This is to confirm your and Wilson Chu's conversation for you and I to meet before Tuesday to review the patent application. As I understand, you are to call Mr. Chu this weekend to confirm the time and place of the meeting. If we do not hear from you by Monday morning, we will take that as a refusal on your part to sign the declaration.

As you know, it is extremely important for us to file the declaration with the other associated papers as soon as possible to revive this application.

I await your response.

Very truly yours,

Ruben C. DeLeon (214) 651-5544 deleonr@hayboo.com

RCD/ar D-656830.1

cc: Wilson Chu

David McCombs
Doug Peckover

D-656830.1

Attorney:

TRANSMISSION OK

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SUBADDRESS CONNECTION ID

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Telecopy Transmittal

DATE:

June 11, 1999

Total Pages Including Cover: 2

HAYNES AND BOONE, LLP

To:

Jeffrey M. Zucker

Company:

Telecopy #:

(214) 350-6993

Phone #:

Cli nt/Matter #:

26704.7

FROM:

Ruben C. DeLeon

Haynes and Boone, LLP

901 Main Street, Suite 3100

Dallas, Texas 75202

I.D. #:

80109

Main Phone #:

(214) 651-5000

Dir ct Phone #:

(214) 651-5544

Main Fax #:

(214) 651-5940

Direct Fax #:

(214) 200-0754

E-Mail:

deleonr@hayboo.com

Should you have any problems with this transmittal, please call: (214) 651-5433

MESSAGE:

From:

April Reasoner

To:

internet:jeff@iyc.com

Date:

6/11/99 4:16PM

Subject:

Third Party Privacy System

Because of some concerns with your fax machine, we are also sending this via email to make certain that you receive it. Thanks.

CC:

Ruben C. DeLeon, Wilson Chu

June 11, 1999

Via Email and Express Mail Return Receipt Requested

Jeffrey M. Zucker 6036 Thursby Dallas, TX 75248

Re Patent Application entitled: "Third Party Privacy System" 26704.7

Dear Mr. Jeffrey M. Zucker:

This is to confirm your and Wilson Chu's conversation for you and I to meet before Tuesday to review the patent application. As I understand, you are to call Mr. Chu this weekend to confirm the time and place of the meeting. If we do not hear from you by Monday morning, we will take that as a refusal on your part to sign the declaration.

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Very truly yours,

Ruben C. DeLeon (214) 651-5544 deleonr@hayboo.com

RCD/ar

D-

cc: Wilson Chu David McCombs Doug Peckover June 11, 1999

Via Email and Express Mail Return Receipt Requested

Jeffrey M. Zucker 6036 Thursby Dallas, TX 75248

Re:

Patent Application entitled: "Third Party Privacy System"

26704.7

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I await your response.

Very truly yours,

Ruben C. DeLeon (214) 651-5544

deleonr@havboo.com

RCD/ar D-656830.1

cc:

Wilson Chu

David McCombs

Doug Peckover

D-656830.1

Attorney

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Complete items 1 and/or 2 for additional services. Complete items 3, and 4a & b.	following services (for an extra
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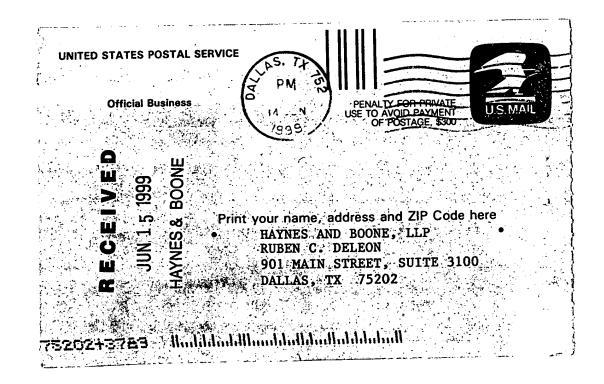


Exhibit C

From:

Ruben C. DeLeon (April Reasoner)

T:

internet:jeff@iyc.com

Date:

6/14/99 2:45PM

Subject:

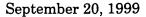
Third Party Privacy System

Dear Jeff:

I would be willing to meet with you outside of the office to discuss this application. We would have to meet before noon tomorrow. Please call me as soon as possible to schedule a time. Thank you.

Ruben DeLeon (214) 651-5544

	Personal Agents
OIPE:	UNITED STATES DEPARTMENT OF COMMERCE
A man int	Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231
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\$ 11/49	DATE MAILED: 07/07/98
NOTICE TO FILE MISSING PAR	RTS OF APPLICATION
Filing Date Gr	anted
An Application Number and Filing Date have been assigned to this application is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which abandonment. Extensions of time may be obtained by filing a petition accompliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-smal	companied by the extension fee under the provisions of 37 OFR URCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity, must also be time!y submitted in reply to this NOTICE
to avoid abandonment. If all required items on this form are filed within the period set about 15 to	ove, the total amount owed by applicant as a
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insufficient. Applicant must submit \$	e basic filing fee and/or file a small entity statement claiming
such status (37 CFR 1.27). 2. Additional claim fees of \$, including any.	multiple dependent claim fees, are required.
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3. The oath or declaration:	1/7/99 Final
is missing or unexecuted. does not cover the newly submitted items.	KRR 19010-715
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An oath or declaration in compliance with 37 CFR 1. 63, including the above Application Number and Piling thate is required. 1. The signature(s) to the oath or declaration is/are by a person of the control of the co	other than inventor or person qualified under 37 CFR 1.42,
1.43 or 1.47. A property signed path or declaration in compliance with 37 C	FR 1.63, identifying the application by the above
Application Number and Filing Date, is required. □ 5. The signature of the following joint inventor(s) is missing from the fo	
An oath or declaration in compliance with 37 CFR 1.63 listing inventor(s), identifying this application by the above Application	
inventor(s), identifying this application by the above representation of the above re	returned without payment
 ☐ 7. Your filing receipt was mailed in entry because your B. The application does not comply with the Sequence Rules. See attached "Notice to Comply with Sequence Rules 37 CFR 	
6. TI 9 OTHER	
Direct the reply and any questions about this notice to "Attention: Bo	be returned with the reply.
A copy of this notic MUST	be returned with the reply. 을 성당
Wenne Spelan	33/19 FC:28



Mr. Douglas Peckover @YourCommand 14651 Dallas Parkway, Suite 313 Dallas, Texas 75240

Re:

United States Application

Serial Number: 09/100,671 Filed: June 16, 1998 Entitled: THIRD PARTY PRIVACY SYSTEM

Our reference: 26704.7

Dear Doug:

Enclosed is a copy of the Decision of Grant for the Petition to Revive Abandoned Application in the above-referenced case. This patent application is now active.

In addition, we have prepared and filed an Information Disclosure Statement ("IDS"), which makes of record all of the prior art of which we are aware. Enclosed is a copy of the IDS and PTO Form 1449.

As you know, there is a continuing duty to disclose to the U.S. Patent and Trademark Office any prior art which is relevant to the examination of the above-identified application. Accordingly, we recommend that you review your files regarding this application and forward to us any prior art or other information which should be cited to the Patent and Trademark Office.

We will keep you advised of all further developments.

Very truly yours,

Ruben C. DeLeon 214/651-5544

deleonr@haynesboone.com

RCD/lah Enclosures D-691680.1

Cc: Wilson Chu, Esq. (via e-mail w/o enclosures)

Attorney